



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**FEB 23 2017**

Dan Backer, Treasurer and Counsel  
Stop Hillary PAC  
203 South Union Street  
Suite 300  
Alexandria, VA 22314

RE: MUR 7086  
Stop Hillary PAC and  
Dan Backer in his official capacity  
as treasurer

Dear Mr. Backer:

On February 22, 2017, the Federal Election Commission ("Commission") accepted the signed conciliation agreement that you submitted on behalf of your clients, Stop Hillary PAC and Dan Backer in his official capacity as treasurer ("Respondents"), in settlement of a violation of 52 U.S.C. § 30102(e)(4). Accordingly, the file has been closed in this matter.

Documents related to this matter will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with the conciliation process will not become public without the written consent of Respondents and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Saurav Ghosh".

Saurav Ghosh  
Attorney

Enclosure  
Conciliation Agreement

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the matter of

Stop Hillary PAC and  
Dan Backer in his official  
capacity as treasurer

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) MUR 7086  
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**CONCILIATION AGREEMENT**

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This matter was initiated pursuant to information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Stop Hillary PAC and Dan Backer in his official capacity as treasurer ("Respondents" or "Committee") violated 52 U.S.C. § 30102(e)(4).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Committee is an unauthorized, nonconnected political committee that filed a Statement of Organization with the Commission on May 16, 2013, disclosing its name as "Stop Hillary PAC."

2. Dan Backer is Stop Hillary PAC's treasurer of record and, as such, is party to this agreement only "in his or her capacity as representative of [Stop Hillary PAC], not personally." Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 1, 4 (Jan. 3, 2005). "[A]n official capacity proceeding 'is not a suit against the official but rather is a suit against the official's office,'" *id.* (quoting *Will v. Mich. Dept. of State Police*, 491 U.S. 58, 71 (1989)).

3. The Federal Election Campaign Act of 1971, as amended ("Act"), requires that "any political committee which is not an authorized committee . . . shall not include the name of any candidate in its name." 52 U.S.C. § 30102(e)(4).

4. Hillary Rodham Clinton filed a Statement of Candidacy for the office of President in the 2016 election cycle on April 13, 2015.

5. On April 27, 2015, the Commission sent the Committee a Request for Additional Information ("RAI") indicating that unless it was authorized by the candidate, it would have to remove the candidate's name from the Committee's name pursuant to 52 U.S.C. § 30102(e)(4).

6. The Committee informed the Commission that its name was a reference to Hillary Clinton, and indicated that although it was not authorized by the named candidate, it did not intend to comply with the Commission's request that it remove the candidate's name from the Committee's name.

7. For purposes of this agreement, Hillary Rodham Clinton ceased to be a federal candidate when she lost the 2016 Presidential election held on November 8, 2016.

V. Respondents violated 52 U.S.C. § 30102(e)(4) by including the name of a federal candidate in the name of the Committee.

VI. 1. Respondents will pay a civil penalty to the Commission in the amount of five thousand five hundred dollars (\$5,500), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from committing violations of 52 U.S.C. § 30102(e)(4).

3. As long as Stop Hillary PAC's name refers exclusively to Hillary Rodham Clinton and Hillary Rodham Clinton is not a federal candidate, Stop Hillary PAC is not required to change its name in order to comply with 52 U.S.C. § 30102(e)(4) or this agreement.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

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oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

XI. This agreement shall not be read to waive Respondents' right or ability to assert, without prejudice, any arguments or defenses in any future proceedings that are unrelated to the terms of this agreement and the violations of law described herein.

FOR THE COMMISSION:

Lisa J. Stevenson  
Acting General Counsel

BY: Kathleen M. Guith  
Kathleen M. Guith  
Associate General Counsel for Enforcement

2-22-17  
Date

FOR THE RESPONDENT:

Dan Backer  
Dan Backer  
Counsel for Respondents

1/20/17  
Date